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Chief Clerk of the House

FILED MAR 14 2003

H.B. No. 3460

By: 

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the practice of cosmetology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1602.254(b), Occupations Code, is amended to read as follows:

(b) To be eligible for an operator license, an applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training [completed the seventh grade or its equivalent]; and

(3) have completed:

(A) 1,500 hours of instruction in a licensed beauty culture school; or

(B) 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the commission in a vocational cosmetology program in a public school.

SECTION 2. Section 1602.256(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a manicurist license, an applicant must:

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3 equivalent of a high school diploma, or have passed a valid  
4 examination administered by a certified testing agency that  
5 measures the person's ability to benefit from training ~~[completed~~  
6 ~~the seventh grade or its equivalent]~~; and

7           (3) have completed 600 hours of instruction in  
8 manicuring through a commission-approved training program.

9           SECTION 3. Section 1602.257(b), Occupations Code, is  
10 amended to read as follows:

11           (b) To be eligible for a facialist specialty license, an  
12 applicant must:

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15 equivalent of a high school diploma, or have passed a valid  
16 examination administered by a certified testing agency that  
17 measures the person's ability to benefit from training ~~[completed~~  
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20 facialist specialty through a commission-approved training program  
21 ~~[the necessary requisites in the facialist specialty as determined~~  
22 ~~by the commission]~~.

23           SECTION 4. Section 1602.258(b), Occupations Code, is  
24 amended to read as follows:

25           (b) To be eligible for a specialty certificate, an applicant  
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12         Sec. 1602.261. EXAMINATION RESULTS. (a) The commission  
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21 days after the examination date, the commission shall notify the  
22 examinee of the reason for the delay before the 90th day.

23         ~~[(c) If the examinee is a student in a vocational~~  
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27         (c) ~~[(d)]~~ If requested in writing by a person who fails the

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5 to read as follows:

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26 that Section 8 of this Act and the amendment to section  
27 1602.257(b)(3) in Section 3 of this Act take effect September 1,

1 2004.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

03 APR 29 PM 10: 09  
HOUSE OF REPRESENTATIVES

By: Pitts

H.B. No. 3460

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H.B. No. 3460

1 2004.

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

4-25-2003  
(date)

Sir:

We, your COMMITTEE ON PUBLIC HEALTH  
to whom was referred HB 3460 have had the same under consideration and beg to report  
back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.
- ☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

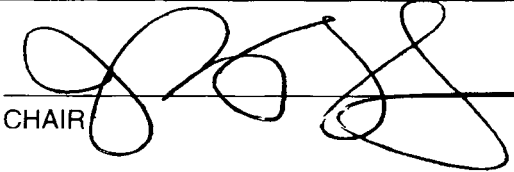
Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

|                        | AYE                                 | NAY | PNV | ABSENT                              |
|------------------------|-------------------------------------|-----|-----|-------------------------------------|
| Capelo, Chair          | <input checked="" type="checkbox"/> |     |     |                                     |
| Laubenberg, Vice-chair | <input checked="" type="checkbox"/> |     |     |                                     |
| Coleman                |                                     |     |     | <input checked="" type="checkbox"/> |
| Dawson                 | <input checked="" type="checkbox"/> |     |     |                                     |
| McReynolds             | <input checked="" type="checkbox"/> |     |     |                                     |
| Naishtat               | <input checked="" type="checkbox"/> |     |     |                                     |
| Taylor                 | <input checked="" type="checkbox"/> |     |     |                                     |
| Truitt                 | <input checked="" type="checkbox"/> |     |     |                                     |
| Zedler                 | <input checked="" type="checkbox"/> |     |     |                                     |
|                        |                                     |     |     |                                     |
|                        |                                     |     |     |                                     |
|                        |                                     |     |     |                                     |
|                        |                                     |     |     |                                     |
|                        |                                     |     |     |                                     |
|                        |                                     |     |     |                                     |

Total      8 aye  
                 0 nay  
                 0 present, not voting  
                 1 absent

  
CHAIR

## **BILL ANALYSIS**

H.B. 3460  
By: Pitts  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

This act is needed to address five matters relevant to the licensing and education of cosmetologists in Texas. Currently, new applicants for a cosmetology license are not required to have a high school diploma, GED, or demonstrate their ability to benefit from training. Cosmetologists often use chemicals and highly-specialized procedures to perform services such as permanents, installing artificial nails, facial treatments, and other newly developing treatments. Currently, facialist specialists are required to receive 600 hours of instruction in the processes of the treatment.

To examine license applicants, the Texas Cosmetology Commission currently uses written licensure examinations purchased from a national testing service in order to ensure that the tests are fully validated and legally defensible. The current cosmetology statute, however, prohibits the commission from submitting examinations of public school students to a national testing service for grading, even though the same statute allows the commission to do so for private beauty school students. The current prohibition results in the incurrence of unnecessary additional labor and computer-related costs for the agency to implement procedures to grade the national written exams here in Austin. This is particularly true in view of the fact that the national testing service the commission currently uses has grading technology that would enable the commission to receive the grades for all student exams within 24 hours of submission of the answer sheets. Thus, there would be no delay involved in submitting all exams for grading by the national service.

Cosmetology schools fall in two primary categories: 1) public secondary and post-secondary vocational programs; and 2) private beauty culture schools. While private schools must obtain a license (\$500 license fee) and renew that license every year (\$200 renewal fee), public school vocational programs must only obtain a certificate, with no fee, and need not renew the certificate as long as the program exists.

The cosmetology industry is continually changing and incorporating new chemical applications and more advanced treatments. In addition, rules and regulations of the commission often change to adapt to the changing aspects of the cosmetology industry. Without mandatory continuing education, there is simply no means to insure that the 140,000 plus licensed cosmetologists in Texas are abreast of changes in the industry and the changing regulations of the commission, particularly those changes directly affecting public health and safety.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Cosmetology Commission in SECTION 8(Section 1602.354, Occupations Code) of this bill.

### **ANALYSIS**

The act requires that, in order to be eligible for a cosmetology operator's license, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training.

The act requires that, in order to be eligible for a manicure license, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training. The act requires that, in order to be eligible for a facial license, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training. In addition, this subsection is amended to require that an applicant for a facial license complete 750 hours of instruction in facialist specialty through a commission-approved training program.

The act requires that, in order to be eligible for a specialty certificate, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training. The act eliminates language that prohibits the Texas Cosmetology Commission from submitting the examinations of students of public school vocational programs to a national testing service for grading.

The act requires that public secondary and post secondary beauty culture schools must obtain a license from the Texas Cosmetology Commission and pay the prescribed license fee.

The act adds language specifying that a license issued to a public secondary or post secondary beauty culture school expires on the anniversary of the date the license is issued.

The act makes continuing education mandatory rather than voluntary for all license renewals and allowing the Texas Cosmetology Commission to recognize, prepare, and administer such programs by commission rule.

#### **EFFECTIVE DATE**

September 1, 2003

# SUMMARY OF COMMITTEE ACTION

HB 3460

April 24, 2003 12:00PM or upon final adjourn./recess

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Considered in public hearing

Left pending in committee

April 25, 2003 upon final adjourn./recess

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Considered in formal meeting

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Jaime Capelo, Chair, House Committee on Public Health

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB3460** by Pitts (Relating to regulation of the practice of cosmetology.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3460. As Introduced: a positive impact of \$80,000 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative)<br/>Impact to General Revenue Related<br/>Funds</b> |
|--------------------|---|
| 2004               | \$40,000  |
| 2005               | \$40,000  |
| 2006               | \$40,000  |
| 2007               | \$40,000  |
| 2008               | \$40,000  |

**All Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Revenue Gain from<br/>GENERAL REVENUE FUND<br/>1</b> |
|--------------------|--|
| 2004               | \$40,000   |
| 2005               | \$40,000   |
| 2006               | \$40,000   |
| 2007               | \$40,000   |
| 2008               | \$40,000   |

**Fiscal Analysis**

The bill would amend Chapter 1602 of the Occupations Code by amending Section 1602.351(c) to require public secondary or post secondary beauty culture schools to pay an annual license fee. The bill would take effect September 1, 2003.

**Methodology**

The Cosmetology Commission assumes the 200 public secondary or post secondary beauty culture schools would be affected. The license fee would be \$200 per year.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 505 Cosmetology Commission  
**LBB Staff:** JK, EB, RT, JC



# HOUSE ENGROSSMENT

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**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

April 23, 2003

**TO:** Honorable Jaime Capelo, Chair, House Committee on Public Health

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB3460** by Pitts (Relating to regulation of the practice of cosmetology.), **As Introduced**

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**LBB Staff:** JK, EB, RT, JC

By: Pitts (Senate Sponsor - Averitt) H.B. No. 3460  
(In the Senate - Received from the House May 7, 2003;  
May 9, 2003, read first time and referred to Committee on Health  
and Human Services; May 23, 2003, reported favorably by the  
following vote: Yeas 7, Nays 0; May 23, 2003, sent to printer.)

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(b) To be eligible for an operator license, an applicant  
must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the  
equivalent of a high school diploma or have passed a valid  
examination administered by a certified testing agency that  
measures the person's ability to benefit from training [completed  
the seventh grade or its equivalent]; and

(3) have completed:

(A) 1,500 hours of instruction in a licensed  
beauty culture school; or

(B) 1,000 hours of instruction in beauty culture  
courses and 500 hours of related high school courses prescribed by  
the commission in a vocational cosmetology program in a public  
school.

SECTION 2. Section 1602.256(b), Occupations Code, is  
amended to read as follows:

(b) To be eligible for a manicurist license, an applicant  
must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the  
equivalent of a high school diploma or have passed a valid  
examination administered by a certified testing agency that  
measures the person's ability to benefit from training [completed  
the seventh grade or its equivalent]; and

(3) have completed 600 hours of instruction in  
manicuring through a commission-approved training program.

SECTION 3. Section 1602.257(b), Occupations Code, is  
amended to read as follows:

(b) To be eligible for a facialist specialty license, an  
applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the  
equivalent of a high school diploma or have passed a valid  
examination administered by a certified testing agency that  
measures the person's ability to benefit from training [completed  
the seventh grade or its equivalent]; and

(3) have completed 750 hours of instruction in  
facialist specialty through a commission-approved training program  
[the necessary requisites in the facialist specialty as determined  
by the commission].

SECTION 4. Section 1602.258(b), Occupations Code, is  
amended to read as follows:

(b) To be eligible for a specialty certificate, an applicant  
must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the  
equivalent of a high school diploma or have passed a valid  
examination administered by a certified testing agency that  
measures the person's ability to benefit from training [completed  
the seventh grade or its equivalent]; and

(3) have the necessary requisites as determined by the  
commission in the particular specialty for which certification is



sought, including training through a commission-approved training program.

SECTION 5. Section 1602.261, Occupations Code, is amended to read as follows:

Sec. 1602.261. EXAMINATION RESULTS. (a) The commission shall notify each examinee of the results of the examination not later than the 30th day after the date an examination is administered. If an examination is graded or reviewed by a national testing service, the commission shall notify each examinee of the results of the examination not later than the 14th day after the date the commission receives the results from the testing service.

(b) If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the commission shall notify the examinee of the reason for the delay before the 90th day.

~~[(c) If the examinee is a student in a vocational cosmetology program in a public school, the commission shall grade the examination and may not submit the examination for grading by a national testing service.]~~

(c) ~~[(d)]~~ If requested in writing by a person who fails the examination, the commission shall send to the person not later than the 60th day after the day the request is received by the commission an analysis of the person's performance on the examination.

SECTION 6. Section 1602.304, Occupations Code, is amended to read as follows:

Sec. 1602.304. PUBLIC SECONDARY OR POSTSECONDARY BEAUTY CULTURE SCHOOL CERTIFICATE. (a) Each application for a license ~~[certification]~~ as a public secondary or public post secondary beauty culture school must be accompanied by the required license ~~[inspection]~~ fee.

(b) The commission shall charge an inspection fee for each inspection trip required before approval of the license ~~[certificate]~~.

SECTION 7. Section 1602.351(c), Occupations Code, is amended to read as follows:

(c) A private beauty culture school license or a public secondary or postsecondary beauty culture school license expires on the anniversary of the date the license is issued.

SECTION 8. Section 1602.354, Occupations Code, is amended to read as follows:

Sec. 1602.354. CONTINUING EDUCATION. The commission will ~~may~~ recognize, prepare, or administer continuing education programs for the practice of cosmetology. Participation in the programs is mandatory for all license renewals ~~[voluntary]~~.

SECTION 9. This Act takes effect September 1, 2003, except that Section 8 of this Act and the amendment to Section 1602.257(b)(3) in Section 3 of this Act take effect September 1, 2004.

\* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 3460  
 By Averitt  
(Author/Senate Sponsor)  
May 23, 2003  
(date)

Sir:

We, your Committee on HEALTH AND HUMAN SERVICES, to which was referred the attached measure, have on May 22, 2003, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

|                           | YEA                                 | NAY | ABSENT                              | PNV |
|---------------------------|-------------------------------------|-----|-------------------------------------|-----|
| Senator Nelson, Chair     | <input checked="" type="checkbox"/> |     |                                     |     |
| Senator Janek, Vice-Chair | <input checked="" type="checkbox"/> |     |                                     |     |
| Senator Carona            |                                     |     | <input checked="" type="checkbox"/> |     |
| Senator Deuell            | <input checked="" type="checkbox"/> |     |                                     |     |
| Senator Gallegos          | <input checked="" type="checkbox"/> |     |                                     |     |
| Senator Lindsay           | <input checked="" type="checkbox"/> |     |                                     |     |
| Senator Ratliff           |                                     |     | <input checked="" type="checkbox"/> |     |
| Senator West              | <input checked="" type="checkbox"/> |     |                                     |     |
| Senator Zaffirini         | <input checked="" type="checkbox"/> |     |                                     |     |
| TOTAL VOTES               | 7                                   | 0   | 2                                   | 0   |

**COMMITTEE ACTION**

S260 Considered in public hearing  
 S270 Testimony taken

James Baussant  
 COMMITTEE CLERK

Jane Nelson  
 CHAIRMAN

WITNESS LIST

HB 3460

SENATE COMMITTEE REPORT

Health & Human Services

May 22, 2003 - 9:00AM

ON: Vigorito, Stephen Director of Enforcement, TX Cosmetology (Texas Cosmetology Commission), Austin, TX

## **BILL ANALYSIS**

Senate Research Center

H.B. 3460  
By: Pitts (Averitt)  
Health & Human Services  
5/21/2003  
Engrossed

### **DIGEST AND PURPOSE**

This act addresses five matters relevant to the licensing and education of cosmetologists in Texas. Currently, new applicants for a cosmetology license are not required to have a high school diploma or GED or to demonstrate their ability to benefit from training. Cosmetologists often use chemicals and highly-specialized procedures to perform services such as permanents, installing artificial nails, facial treatments, and other newly developing treatments. Currently, facialist specialists are required to receive 600 hours of instruction in the processes of the treatment.

To examine license applicants, the Texas Cosmetology Commission currently uses written licensure examinations purchased from a national testing service in order to ensure that the tests are fully validated and legally defensible. The current cosmetology statute, however, prohibits the commission from submitting examinations of public school students to a national testing service for grading, even though the same statute allows the commission to do so for private beauty school students. The current prohibition results in the incurrence of additional labor and computer-related costs for the agency to implement procedures to grade the national written exams in Austin, the national testing service the commission currently uses has grading technology that would enable the commission to receive the grades for all student exams within 24 hours of submission of the answer sheets

Cosmetology schools fall in two primary categories: (1) public secondary and post-secondary vocational programs; and (2) private beauty culture schools. While private schools must obtain a license (\$500 license fee) and renew that license every year (\$200 renewal fee), public school vocational programs must only obtain a certificate, with no fee, and need not renew the certificate as long as the program exists.

H.B. 3460 amends provisions of the Occupations Code regulating the practice of Cosmetology.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Cosmetology Commission in SECTION 8 (Section 1602.354, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1602.254(b), Occupations Code, to require an applicant, to be eligible for an operator license, to meet certain requirements, including certain education requirements.

SECTION 2. Amends Section 1602.256(b), Occupations Code, to require an applicant, to be eligible for a manicurist license, to meet certain requirements, including certain education requirements.

SECTION 3. Amends Section 1602.257(b), Occupations Code, to require an applicant, to be eligible for a facialist license, to meet certain requirements, including certain education requirements.

SECTION 4. Amends Section 1602.258(b), Occupations Code, to require an applicant, to be

eligible for a specialty license, to meet certain requirements, including certain education requirements.

SECTION 5. Amends Section 1602.261, Occupations Code, to delete existing Subsection (c) relating the examination of a student in a vocational cosmetology program. Redesignates existing Subsection (d) as (c).

SECTION 6. Amends Section 1602.304, Occupations Code, as follows:

(a) Requires each applicant for a license, rather than certification, as a public secondary or public post secondary beauty culture school to be accompanied by the required license information. Makes a conforming change.

(b) Makes a conforming change.

SECTION 7. Amends Section 1602.351(c), Occupations Code, to provide that a private beauty culture school license or a public secondary or postsecondary beauty culture school license expires on the anniversary of the date the license is issued.

SECTION 8. Amends Section 1602.354, Occupations Code, to provide that the commission will by rule, rather than may, recognize, prepare, or administer continuing education programs for the practice of cosmetology. Provides that participation in the programs is mandatory for all license renewals, rather than voluntary.

SECTION 9. Effective date: September 1, 2003, except that Section 8 of this Act and the amendment to Section 1602.257(b)(3) in Section 3 of this Act take effect September 1, 2004.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 21, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB3460** by Pitts (Relating to regulation of the practice of cosmetology.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3460, As Engrossed: a positive impact of \$80,000 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative)<br/>Impact to General Revenue Related<br/>Funds</b> |
|--------------------|---|
| 2004               | \$40,000  |
| 2005               | \$40,000  |
| 2006               | \$40,000  |
| 2007               | \$40,000  |
| 2008               | \$40,000  |

**All Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Revenue Gain from<br/>GENERAL REVENUE FUND<br/>1</b> |
|--------------------|--|
| 2004               | \$40,000   |
| 2005               | \$40,000   |
| 2006               | \$40,000   |
| 2007               | \$40,000   |
| 2008               | \$40,000   |

**Fiscal Analysis**

The bill would amend Chapter 1602 of the Occupations Code by amending Section 1602.351(c) to require public secondary or post secondary beauty culture schools to pay an annual license fee. The bill would take effect September 1, 2003.

**Methodology**

The Cosmetology Commission assumes the 200 public secondary or post secondary beauty culture schools would be affected. The license fee would be \$200 per year.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Jaime Capelo, Chair, House Committee on Public Health

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB3460** by Pitts (Relating to regulation of the practice of cosmetology.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds for HB3460, As Introduced:** a positive impact of \$80,000 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative)<br/>Impact to General Revenue Related<br/>Funds</b> |
|--------------------|---|
| 2004               | \$40,000  |
| 2005               | \$40,000  |
| 2006               | \$40,000  |
| 2007               | \$40,000  |
| 2008               | \$40,000  |

**All Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Revenue Gain from<br/>GENERAL REVENUE FUND<br/>1</b> |
|--------------------|--|
| 2004               | \$40,000   |
| 2005               | \$40,000   |
| 2006               | \$40,000   |
| 2007               | \$40,000   |
| 2008               | \$40,000   |

**Fiscal Analysis**

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**Methodology**

The Cosmetology Commission assumes the 200 public secondary or post secondary beauty culture schools would be affected. The license fee would be \$200 per year.

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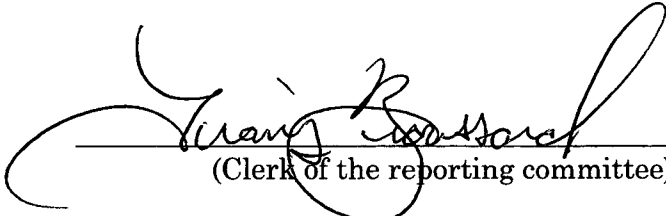
**Source Agencies:** 505 Cosmetology Commission  
**LBB Staff:** JK, EB, RT, JC



# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 3460, by Ava H,  
(Bill No.) (Author/Sponsor)  
was heard by the Committee on Health & Human Services on May 22, 2003,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**

F

ENROLLED

H.B. No. 3460

1 AN ACT

2 relating to regulation of the practice of cosmetology.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 1602.254(b), Occupations Code, is  
5 amended to read as follows:

6 (b) To be eligible for an operator license, an applicant  
7 must:

8 (1) be at least 17 years of age;

9 (2) have obtained a high school diploma or the  
10 equivalent of a high school diploma or have passed a valid  
11 examination administered by a certified testing agency that  
12 measures the person's ability to benefit from training ~~[completed~~  
13 ~~the seventh grade or its equivalent]~~; and

14 (3) have completed:

15 (A) 1,500 hours of instruction in a licensed  
16 beauty culture school; or

17 (B) 1,000 hours of instruction in beauty culture  
18 courses and 500 hours of related high school courses prescribed by  
19 the commission in a vocational cosmetology program in a public  
20 school.

21 SECTION 2. Section 1602.256(b), Occupations Code, is  
22 amended to read as follows:

23 (b) To be eligible for a manicurist license, an applicant  
24 must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training ~~[completed the seventh grade or its equivalent]~~; and

(3) have completed 600 hours of instruction in manicuring through a commission-approved training program.

SECTION 3. Section 1602.257(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a facialist specialty license, an applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training ~~[completed the seventh grade or its equivalent]~~; and

(3) have completed 750 hours of instruction in facialist specialty through a commission-approved training program ~~[the necessary requisites in the facialist specialty as determined by the commission]~~.

SECTION 4. Section 1602.258(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a specialty certificate, an applicant must:

(1) be at least 17 years of age;

1           (2) have obtained a high school diploma or the  
2 equivalent of a high school diploma or have passed a valid  
3 examination administered by a certified testing agency that  
4 measures the person's ability to benefit from training ~~[completed~~  
5 ~~the seventh grade or its equivalent]~~; and

6           (3) have the necessary requisites as determined by the  
7 commission in the particular specialty for which certification is  
8 sought, including training through a commission-approved training  
9 program.

10          SECTION 5. Section 1602.261, Occupations Code, is amended  
11 to read as follows:

12          Sec. 1602.261. EXAMINATION RESULTS. (a) The commission  
13 shall notify each examinee of the results of the examination not  
14 later than the 30th day after the date an examination is  
15 administered. If an examination is graded or reviewed by a national  
16 testing service, the commission shall notify each examinee of the  
17 results of the examination not later than the 14th day after the  
18 date the commission receives the results from the testing service.

19          (b) If the notice of examination results graded or reviewed  
20 by a national testing service will be delayed for longer than 90  
21 days after the examination date, the commission shall notify the  
22 examinee of the reason for the delay before the 90th day.

23          ~~[(c) If the examinee is a student in a vocational~~  
24 ~~cosmetology program in a public school, the commission shall grade~~  
25 ~~the examination and may not submit the examination for grading by a~~  
26 ~~national testing service.]~~

27          (c) ~~[(d)]~~ If requested in writing by a person who fails the

1 examination, the commission shall send to the person not later than  
2 the 60th day after the day the request is received by the commission  
3 an analysis of the person's performance on the examination.

4 SECTION 6. Section 1602.304, Occupations Code, is amended  
5 to read as follows:

6 Sec. 1602.304. PUBLIC SECONDARY OR POSTSECONDARY BEAUTY  
7 CULTURE SCHOOL CERTIFICATE. (a) Each application for a license  
8 [~~certification~~] as a public secondary or public post secondary  
9 beauty culture school must be accompanied by the required license  
10 [~~inspection~~] fee.

11 (b) The commission shall charge an inspection fee for each  
12 inspection trip required before approval of the license  
13 [~~certificate~~].

14 SECTION 7. Section 1602.351(c), Occupations Code, is  
15 amended to read as follows:

16 (c) A private beauty culture school license or a public  
17 secondary or postsecondary beauty culture school license expires on  
18 the anniversary of the date the license is issued.

19 SECTION 8. Section 1602.354, Occupations Code, is amended  
20 to read as follows:

21 Sec. 1602.354. CONTINUING EDUCATION. The commission will  
22 by rule [~~may~~] recognize, prepare, or administer continuing  
23 education programs for the practice of cosmetology. Participation  
24 in the programs is mandatory for all license renewals [~~voluntary~~].

25 SECTION 9. This Act takes effect September 1, 2003, except  
26 that Section 8 of this Act and the amendment to Section  
27 1602.257(b)(3) in Section 3 of this Act take effect September 1,

H.B. No. 3460

1 2004.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 3460 was passed by the House on May 6, 2003, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 3460 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 3460<sup>(1)</sup> was passed by the House  
on May 6<sup>(2)</sup>, 2003, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 3460 was passed by the Senate  
on May 28<sup>(3)</sup>, 2003, by the following vote:  
Yeas 31<sup>(4)</sup>, Nays 0<sup>(5)</sup>.

---

Secretary of the Senate

APPROVED:

---

Date

---

Governor

\*\*\*\* Preparation: CT26;



H.B. No.

3460

A BILL TO BE ENTITLED  
AN ACT

By

relating to regulation of the practice of cosmetology.

MAR 14 2003

Filed with the Chief Clerk

APR 01 2003

Read first time and referred to Committee on Public Health

APR 25 2003

Reported favorably ~~(unfavorably)~~  
~~(unanimously)~~

APR 30 2003

Sent to Committee on ~~(Subcommittee)~~  
(Local & Consent Calendars)

MAY 06 2003

Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)  
(~~unanimous~~ vote of        yeas,        nays,        present,        not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of        yeas,        nays,        present,        not voting

MAY 06 2003

Read third time (~~amended~~); finally passed (~~failed~~) by a (non-record vote)  
(~~unanimous~~ vote of        yeas,        nays,        present,        not voting)

MAY 07 2003

Engrossed

MAY 07 2003

Sent to Senate

Robert Haney  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 07 2003

Received from the House

MAY 09 2003

Read and referred to Committee on HEALTH & HUMAN SERVICES

MAY 23 2003

Reported favorably       

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 28 2003

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(       yeas,        nays)

MAY 28 2003

Read second time,       , and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(       yeas,        nays)

MAY 28 2003

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 28 2003

Read third time,       , and passed by (a viva voce vote)  
(31 yeas, 0 nays)

Larry Spaw  
SECRETARY OF THE SENATE

May 28, 2003

Returned to the House

OTHER SENATE ACTION:

MAY 28 2003

Returned from the Senate ( )  
( )

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

55 JUN 29 PM 13 03

HOUSE OF REPRESENTATIVES